

PANAJI, 19TH AUGUST, 1993 (SRAVANA 28, 1915)

SERIES I No. 21

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** There is one Extraordinary issue to the Official Gazette, Series I, No. 20, dated 12-8-93 as follows:

Extraordinary dated 12-8-93 from pages 393 to 394 regarding Notification from Urban Development Department.

### GOVERNMENT OF GOA

#### Revenue Department

##### Notification

1/1/93-RD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, is hereby pre-published as required by sub-section (2) of section 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Revenue Department, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

#### DRAFT AMENDMENT

In exercise of the powers conferred by section 61 read with section 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Agricultural Tenancy (Special Rights and Privileges of Tenants) (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of Form II A.*—In Form II A appended to the Goa, Daman and Diu Agricultural

Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, for the Schedule, the following Schedule shall be substituted, namely:—

#### "SCHEDULE"

Revenue Village	Place of Hearing	Date	Time
Place ...	Signature		
Date ...	Mamlatdar of ...		

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 27th July, 1993.

#### LEGISLATURE SECRETARIAT

##### Notification

LA/B/3269/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 26-7-1993 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th July, 1993.

#### The Goa Mundkars' (Protection from Eviction) (Amendment) Bill, 1993

(Bill No. 25 of 1993)

A  
BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 16th day of April, 1993.

**2. Amendment of section 15.**— In sub-section (3) of section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), after the words "house purchased" and before the words "and the improvement thereon", the words "as prevailing on the appointed date" shall be inserted.

**3. Repeal and Saving.**— (1) The Goa Mundkars (Protection from Eviction) (Amendment) Ordinance, 1993 (Ordinance No. 1 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

#### Statement of Objects and Reasons

It had been noticed that some of the Mamlatdars/Joint Mamlatdars, while determining the purchase price payable by Mundkars for dwelling house, had taken into consideration the basis of the market value prevailing in the vicinity of the locality at the time of fixing the said price. The aforesaid approach did not appear to be on sound footing since the appointed date when the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 came into force was 12-3-1976 and the right of the Mundkars to purchase dwelling house came into existence on that date and hence the purchase price had to be as on the appointed date i. e. 12-3-1976 and consequently the market value thereof is required to be determined as prevailing on that date.

In order to obviate the aforesaid difficulties faced by the Mundkars, the Goa Mundkars (Protection from Eviction) (Amendment) Ordinance, 1993 (Ordinance No. 1 of 1993) has been promulgated by the Governor of Goa on 16-4-1993.

This Bill seeks to replace the said Ordinance.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum on Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,  
6th July, 1993.

Assembly Hall,  
Panaji,  
15th July, 1993.

WILFRED D'SOUZA  
Chief Minister

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### (Annexure to Bill No. 25 of 1993)

The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 1993

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976)

**15. Right of Mundkar to Purchase the dwelling House.**—  
(3) The purchase price payable by the mundkar for his dwelling house shall be the market value of the dwelling house purchased and the improvement thereon, other than the improvement, if any, belonging to the mundkars.

Provided that, when the house, hut or any structure with its materials belong, wholly or partly, to the mundkar, the corresponding value shall be deducted from the market value and, in such case, the purchase price shall be the balance left after deducting the corresponding value from the market value.

Provided further that—

(a) when a mundkar has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of, or for the purpose of watching and protecting, an agricultural land of the bhatkar and is actually rendering such service and continues to render such service with or without remuneration; or

(b) where a mundkar is an agricultural labourer or a village artisan; or

(c) where the annual income of a mundkar, being a person belonging to Scheduled Castes or the Scheduled Tribes and not falling under clause (a) or clause (b), from all sources does not exceed rupees three thousand and six hundred;

then, the purchase price payable by such mundkar and a member of his family shall be twenty percent of the market value payable.

**Explanation.**— For the purposes of this sub-section—

(a) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 of the Constitution to be Scheduled Castes in relation to the Union Territory of Goa, Daman and Diu;

(b) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 of the Constitution to be Scheduled Tribes in relation to the Union Territory of Goa, Daman and Diu.

Assembly Hall,  
Panaji.  
15th July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### Notification

LA/B/3270/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 26-7-1993 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th July, 1993.

## The Goa Agricultural Tenancy (Amendment) Bill, 1993

(Bill No. 26 of 1993)

A

## BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 16th day of April, 1993.

2. *Amendment of section 18C.*—In section 18C of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the "principal Act"),—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), the Mamlatdar may, on his own motion or on an application from any person who has been called upon to appear before him under sub-section (1), give an opportunity to appear before him on any subsequent day, time and place other than that specified in the public notice under sub-section (1), to—

(a) such tenants or such persons claiming to be tenants;

(b) such landlords and other interested parties, who had appeared before the Mamlatdar in response to notice published under sub-section (1);

(ii) in sub-section (4), the words "fails to appear or" shall be omitted.

3. *Amendment of section 18D.*—In section 18D of the principal Act,—

(i) in sub-section (1),—

(a) the words and figures "an amount equivalent to fifteen times the net average annual income of the land for the three years immediately preceding the tillers' day or" shall be omitted; and

(b) the figure and words ", whichever is lower" shall be omitted.

(ii) sub-section (2) shall be omitted.

4. *Repeal and Saving.*—(1) The Goa Agricultural Tenancy (Amendment) Ordinance, 1993 (Ordinance No. 2 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as

if this Act were in force on the day on which such thing or action was done or taken.

## Statement of Objects and Reasons

As per sub-section (2) of section 18 C of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Mamlatdar had to issue individual notices to each tenant, landlord and to the interested persons for determining the price of land to be paid by tenants. Thus the Mamlatdar had to carry out an exercise to find out the names and addresses of the tenants, landlord and other interested persons, which was not only cumbersome but also impractical.

In order to obviate the difficulties faced by the tenants, the Goa Agricultural Tenancy (Amendment) Ordinance, 1993 (Ordinance No. 2 of 1993) has been promulgated by the Governor of Goa on 16-4-1993.

This Bill seeks to replace the said Ordinance.

## Financial Memorandum

No financial implications are involved in this Bill.

## Memorandum on Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,  
6th July, 1993

WILFRED D'SOUZA  
Chief Minister

Assembly Hall  
Panaji,  
15th July, 1993.

ASHOK B. ULMAN  
Secretary to the  
Legislative Assembly of Goa.

## Annexure to Bill No. 26 of 1993

The Goa Agricultural Tenancy (Amendment) Bill, 1993

The Goa, Daman and Diu Agricultural Tenancy Act, 1964.

(Act No. 7 of 1964)

18C. *Mamlatdar to issue notices and determine price of land to be paid by tenants.*—(1) As soon as may be after the tillers' day, the Mamlatdar shall publish or cause to be published a public notice in the prescribed form in the Official Gazette and also in such other manner as may be prescribed calling upon—

(a) all tenants who under section 18A are deemed to have purchased the lands;

(b) all landlords of such lands; and

(c) all other persons interested therein,

to appear before him on the date specified in the notice.

(2) The Mamlatdar shall issue a notice individually to each such tenant, landlord and also to the other persons referred to in clause (c) of sub-section (1), calling upon each of them to appear before him on the date specified in the public notice.

(3) The Mamlatdar shall record in the prescribed manner the statement of the tenant whether he is or is not willing to purchase the land held by him as a tenant.

(4) Where any tenant fails to appear or makes a statement that he is not willing to purchase the land, the Mamlatdar shall, by an order in writing declare that such tenant is not willing to purchase the land and that the purchase is ineffective:

Provided that if such order is passed in default of the appearance of any party, the Mamlatdar shall communicate such order to the parties and any party on whose default the order was passed may within sixty days from the date on which the order was communicated to him apply for the review of the same.

(5) If a tenant is willing to purchase, the Mamlatdar shall, after giving an opportunity to the tenant and the landlord and all other persons interested in such land to be heard and after holding an inquiry determine the purchase price for such land in accordance with the provisions of section 18D.

(6) In the case of a tenant who is deemed to have purchased the land on a date subsequent to the tillers' day, the Mamlatdar shall, as soon as may be after such day determine the price of the land.

18D. Purchase price payable to the landlords.—(1) The purchase price payable by a tenant to the landlord in relation to the land which has been deemed to have been purchased by the tenant under section 18A shall be an amount equivalent to fifteen times the net average annual income of the land for the three years immediately preceding the tillers' day or the amount indicated in column 2 of the Table below in respect of the categories of land specified in the corresponding entry in column 1 thereof, whichever is lower.

TABLE

Category of land	Purchase price (in rupees) per hectare
1	2
<i>Garden consisting primarily of:</i>	
a) Coconut trees	4,000
b) Arecanut trees	3,000
c) Mango trees	2,500
d) Cashew trees	1,600
<i>Rice land:</i>	
a) Kher	4,000
b) Khazan	3,600
c) Morod	1,600
<i>Wet land where sugarcane is cultivated:</i>	
	2,500

(2) For the purposes of determining the net average annual income of a land for the three years immediately preceding the tillers' day, the Mamlatdar shall take into account the cost of the seeds, fertilisers, labour involved and such other matters as may be prescribed.

Assembly Hall,  
Panaji,  
15th July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

## Notification

LIA/B/3272/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 26-7-1993 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th July, 1993.

The Goa Motor Vehicles (Taxation on Passengers and Goods)  
(Amendment) Bill, 1993  
(Bill No. 27 of 1993)

A

## BILL

further to amend the Goa Motor Vehicles (Taxation on Passengers and Goods) Act, 1991.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the first day of July, 1993.

2. *Amendment of section 2.*— In section 2 of the Goa Motor Vehicles (Taxation on Passengers and Goods) Act, 1991 (Goa Act 2 of 1992), for the words and figures "from the first day of January, 1991 to 30th day of June, 1993", the words and figures "from the 1st day of January, 1991 to 31st day of December, 1993" shall be substituted.

## Statement of Objects and Reasons

This Bill seeks to extend the period of operation of the Goa Motor Vehicles (Taxation on Passengers and Goods) Act, 1991 for the period upto 31.12.1993 with the same rate of composition fee which was prevalent from 1st January, 1991.

## Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
5th July, 1993.

WILFRED D'SOUZA  
Chief Minister

Assembly Hall  
Panaji.  
15th July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

## (Annexure to Bill No. 27 of 1993)

The Goa Motor Vehicles (Taxation on Passengers and Goods)  
(Amendment) Bill, 1993.

The Goa Motor Vehicles (Taxation on Passengers and Goods)  
Act, 1991 (Act No. 2 of 1992)

2. *Composition fee.*— Notwithstanding anything contained in the Schedule to the Goa Motor Vehicles (Taxation on Passengers and Goods) Act, 1991, from the first day of January, 1991 to 30th day of June, 1993.

(1) In the case of a stage carriage, the composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of permit or for a period

of one month whichever is less, at the rate of one rupee and fifty-five paise per seat, per year per kilometre of the total daily kilometres permitted or at the option of the operator, twenty-five rupees per seat, per month;

(ii) Where the stage carriage is permitted to carry standing passengers, one third of the fee per seat referred to in (i) above, shall also be payable in respect of each of the standing passengers aforesaid as if sitting accommodation has been provided for them.

Assembly Hall,  
Panaji,

5th July, 1993.

ASHOK B. ULMAN  
Secretary to the  
Legislative Assembly  
of Goa.

#### Notification

LA/B/3271/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 23-7-1993 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th July, 1993.

#### The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 1993

(Bill No. 28 of 1993)

A

#### BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of Section 2.*—In section 2 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) (hereinafter referred to as the "principal Act") —

After clause (p), the following clause shall be inserted, namely:—

"(pp) 'Mundkar plot' means and includes the area occupied by the dwelling house and the area appurtenant thereto, and shall also include an area equivalent to the area of the structures belonging to the mundkar if the same are to be shifted within the mundkar plot or otherwise removed from the area outside the mundkar plot".

3. *Insertion of new section 29 A.*—After section 29 of the principal Act, the following section shall be inserted, namely:—

"29 A.—(1) After the registration of a mundkar, either the mundkar or the bhatkar, may move an application before the Mamlatdar for demarcation of the mundkar plot. After giving the mundkar the opportunity to exercise the option contemplated under section 2(i) (explanation-1) the Mamlatdar shall demarcate the area of the mundkar plot and affix boundary marks separating the same from the remaining area of the property of the bhatkar."

(2) Upon such demarcation the mundkar shall have the right whether he has purchased the mundkar plot or not:

(a) to reconstruct and/or extend his dwelling house within the mundkar plot;

(b) to construct or reconstruct a toilet and/or bathroom with soak pit and septic tank within the mundkar plot.

The mundkar shall not be required to obtain any land conversion for the purpose of construction/reconstruction/extension of the dwelling house or shifting of any structure within the mundkar plot. No permission from the bhatkar shall be required for such construction/reconstruction/extension. However, all such construction/reconstruction/extension shall be subject to all other building rules and regulations.

(3) If the mundkar has any structure/structures outside the mundkar plot, the bhatkar, may, at his own cost, require the structure/structures to be removed and/or shifted within the mundkar plot. The bhatkar shall be bound to pay the entire cost of the old structure as assessed by the Mamlatdar, to the mundkar. The cost shall be deposited by the bhatkar with the Mamlatdar, who shall pay it to the mundkar against receipt and the mundkar shall remove the structure/structures within a period of six months from the date of such deposit failing which the bhatkar may remove the structure and/or structures.

Provided that in the event of such shifting or removal the area of the mundkar plot shall be increased by an area equivalent to the area occupied by the structure or structures being shifted/removed".

#### Statement of Objects and Reasons

The amendment is essential in order to more effectively implement the purposes of the original Act. This is sought to be done by granting a mundkar the right to reconstruct his dwelling house or extend it or construct toilet facilities without the consent of the bhatkar and without having to purchase the mundkar plot.

It is further essential to consolidate the holdings of a mundkar within one contiguous plot. This would avoid unnecessary friction between bhatkar and mundkar over easements which may be outside the mundkar plot. The amendment will introduce

the required balance in the Act granting either the bhatkar or the mundkar the rights to obtain demarcation of the mundkar plot without resort to lengthy civil litigation.

It is, therefore, proposed to insert the aforesaid new clauses to safeguard the rights of the mundkar.

This Bill seeks to achieve the above object.

#### Financial Memorandum

No financial implications are involved in the Bill.

Panaji, RADHARAO F. GRACIAS  
9th July, 1993. M. L. A.

Assembly Hall, ASHOK B. ULMAN  
Panaji, Secretary to the Legislative  
20th July, 1993. Assembly of Goa.

#### (Annexure to Bill No. 28 of 1993)

The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 1993

The Goa, Daman and Diu Mundkars (Protection from Eviction Act, 1975.  
(Act No. 1 of 1976)

**Section 2.**—(p) "mundkar" means a person who, with the consent of the bhatkar or the person acting or purporting to act on behalf of the bhatkar lawfully resides with a fixed habitation in a dwelling house with or without obligation to render any services to the bhatkar and includes a member of his family but does not include—

(i) a person paying rent to the bhatkar for the occupation of the house;

(ii) a domestic servant or a chowkidar who is paid wages and who resides in an out-house, house-compound or other portion of his employer's residence;

(iii) a person employed in a mill, factory, mine, workshop or a commercial establishment and is residing in the premises belonging to the owner or person in charge of such mill, factory, mine, workshop or commercial establishment, in connection with his employment in such mill, factory, mine, workshop or commercial establishment; and

(iv) a person residing in the whole or part of a house belonging to another person or in an out-house existing in the compound of the house, as a care-taker of the said house or for purposes of maintaining it in habitable condition.

**Explanation.**—A person shall be deemed to be lawfully residing with the consent of the bhatkar in a dwelling house if such person resides in it for a period exceeding one year prior to the appointed date and the bhatkar has not initiated any proceedings, during the said period of one year, to evict such person from the dwelling house, through a competent court of law, on the ground that such person was a trespasser or, having so initiated such proceedings, does not succeed in obtaining a decree for the eviction of such person.

**29. Register of mundkars.**—(1) In respect of every village, the Government shall cause a register of mundkars to be prepared and maintained in the prescribed manner.

(2) The register shall contain the following particulars, namely:—

(a) the particulars and description of the dwelling house;

- (b) the location of the dwelling house;
- (c) the name and address of the mundkar;
- (d) the nature and extent of service, rendered to the bhatkar or the amount of ground rent if any paid;
- (e) the occupation of the mundkar;
- (f) the rights referred to under section 6; and
- (g) such other particulars as may be prescribed.

(3) The register shall be prepared and maintained by the Mamlatdar after such inquiry as may be prescribed.

(4) The Mamlatdar shall, before the preparation of the register, publish a notice, in every revenue village inviting applications from the mundkars for registration and to be presented before such date as may be specified in the notice or such further time as may be allowed by him:

Provided that if, any time after the publication of the notice, it is found that a mundkar has failed to apply for registering his name the talathi within whose jurisdiction the dwelling house is situated, may, after making such inquiry as he considers necessary, propose to the Mamlatdar to enter the name of such mundkar in the concerned register of mundkars and the Mamlatdar shall dispose of the same as provided under sub-section (5).

(5) On receipt of the application within the time specified in the notice or within such further time as may be allowed by him, the Mamlatdar shall, give notice to the bhatkar and any other person interested in the land in which the dwelling house is situated, calling upon them to file objections, if any, and requiring them to appear at a time and date specified in the notice for inquiry into the application.

(6) On the dates specified in the notice or on any other date to which the enquiry may be adjourned, the Mamlatdar shall hear such of the persons who appear and after such inquiry as may be prescribed register the mundkar or reject the application.

(7) The order of the Mamlatdar under sub-section (6) shall be served on the interested persons and shall also be published in the notice boards of the village Office of the village in which the dwelling house is situated and also in the local newspapers.

(8) Any person aggrieved by the registration of a mundkar or by the refusal to register a person claiming to be a mundkar may, within sixty days from the date of registration or refusal, as the case may be, file an appeal to the Collector.

(9) On receipt of an appeal under sub-section (8) the Collector may call for the records of any proceeding under sub-section (6) and may make such inquiry or cause such inquiry to be made and may pass such orders thereon as he deems fit:

Provided that no order prejudicial to any person shall be passed without giving him a reasonable opportunity of being heard.

Assembly Hall,  
Panaji,  
20th July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### Notification

LA/B/3273/1993

The following Bill which was introduced in the Legislative Assembly of Goa on 26-7-1993 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 27th July, 1993.

**The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1993**

(Bill No. 29 of 1993)

**A**

**BILL**

*further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.*

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1993.

(2) It shall come into force at once.

**2. Amendment of section 3.**—In sub-section (1) of section 3 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the "principal Act"),—

(i) in clause (c), for the word "four", the word "ten" shall be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(cc) to any building, whether residential or not, whose monthly rent exceeds rupees three thousand and five hundred;".

**3. Amendment of section 12.**—In clause (a) of sub-section (2) of section 12 of the principal Act, for the words "seven and a half per cent", the words "ten per cent" shall be substituted.

**4. Amendment of section 13.**—In the proviso to sub-section (1) of section 13 of the principal Act, for the words "seven and a half per cent", the words "ten per cent" shall be substituted.

**5. Amendment of section 23A.**—For sub-section (3) of section 23 A of the principal Act, the following sub-section shall be substituted, namely:—

"(3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bona fide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing

with him and dependent on him), and the Controller shall pass an order for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect that—

(i) he is presently a member of the armed forces of the Union or employee of the Central Government or Railways or the Public Sector Undertaking of the Central Government or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be; and

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside:

Provided that in the case of an ex-service man or an ex-employee referred to in sub-clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in service or such member is duly retired and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bona fide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government, as the case may be; and

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be, shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.

**Explanation 1.**—For the purposes of this subsection,—

(i) "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority thereunder shall be conclusive evidence of the facts stated therein.

*Explanation 2.* — For the purpose of clause (a) of this sub-section, the expression "the Head of his Services" in the case of officers retired from the Indian Navy, includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force, includes the Station Commander."

#### Statement of Objects and Reasons

Certain difficulties were encountered in implementing the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 and hence it is proposed to amend sections 3, 12, 13 and 23 A of the said Act, 1968 so as to provide for:—

- (a) maintenance of a balance between the interests of the landlords and the tenants; and
- (b) safeguarding the interest of the persons belonging to the Armed forces, employees of Central Government, Public Sector Undertakings of the Central Government and Railways.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum regarding Delegated Legislation

No delegated legislation is contemplated in this Bill.

Panaji,  
15th July, 1993.

WILFRED D'SOUZA  
Chief Minister

Assembly Hall,  
Panaji,  
22nd July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### (Annexure to Bill No. 29 of 1993)

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Bill, 1993.

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)  
Control Act, 1968

(As No. 2 of 1969)

*Section 3. Act not to apply to certain buildings.* — (1) Nothing in this Act shall apply—

- (a) to any building belonging to the Government, or a State Housing Board, or a local authority, or Industrial Development Corporation;
- (b) to any building vested in the Custodian of Evacuee Property;
- (c) to any newly constructed building for a period of four years from the date of its completion;
- (d) as against the Government to any tenancy or other like relationship created by a grant from the Govern-

ment in respect of a building, the possession of which has been taken over under section 6.

*Section 12. Rent Tribunal to determine fair rent.* — (1) The Rent Tribunal shall, on application by the landlord or the tenant of a building, fix the fair rent payable per annum for such building after holding such inquiry as may be prescribed.

(2) The fair rent payable per annum shall consist of—

(a) seven and a half per cent of the market value of the building (including the land on which the building is constructed) as on the 1st day of January, 1965, or the date of the completion of the building whichever is later; and

*Section 13. Increase in fair rent in what cases admissible.* — (1) When the fair rent of a building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and, if the building is then in the occupation of a tenant, at his request:

Provided that the increase shall be calculated at a rate per annum not exceeding seven and a half per cent of the cost of such addition, improvement or alteration.

*Section 23A. (3) Notwithstanding anything contained in this Act—*

(a) a landlord, who is a member of the armed forces of the Union, or who was such member and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the grounds that the premises are bona fide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such ground if the landlord, at the hearing of the suit produces a certificate signed by the Head of his Services or his Commanding Officer to the effect that—

i) he is presently a member of the armed forces of the Union or he was such member and is now retired ex-serviceman;

ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) Where a member of the armed forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow, who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bona fide required by her for occupation by herself, or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated to the effect that—

i) she is a widow of a deceased member of the armed forces as aforesaid;

ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside.

*Explanation 1.* — For the purposes of this section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

*Explanation 2.* — For the purpose of clause (a) of this section the expression "the Head of his Services" in the case of officers retired from the Indian Navy includes the Flag Officer Commanding-in-Chief Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander.

Assembly Hall,  
Panaji,  
23rd July, 1993.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

## Notification

LA/B/3327/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 29-7-93 is hereby published for general information in pursuance of the provisions of Rule 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 30th July, 1993.

## THE GOA APPROPRIATION BILL, 1993

(Bill No. 13 of 1993)

## A

## BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 1993-94.

BE it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:

1. *Short title.* — This Act may be called the Goa Appropriation Act, 1993.

2. *Issue of Rs. 6,41,11,73,000 out of the Consolidated Fund of the State of Goa, for the financial year 1993-94* — From and out of the Consolidated Fund of the State of Goa there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate to the sum of six hundred forty one crores eleven lakhs and seventy three thousand rupees towards defraying the several charges which will arise for payment during the financial year 1993-94 in respect of the services and purposes specified in column 2 of the schedule.

3. *Appropriation.* — The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

## THE SCHEDULE

(See Sections 2 &amp; 3)

No. of Demand	Services and purposes	Voted by Assembly	Sums not exceeding		
			Charged on the Consolidated Fund of the State of Goa	Total	
1	2	3	4	5	
Rs.      Rs.      Rs.					
1. State Legislature					
Revenue	... ... ...	56,70,000	3,30,000	60,00,000	
Capital (including Loans)	...	—	—	—	
Total	... ... ...	56,70,000	3,30,000	60,00,000	
2. Governor					
Revenue	... ... ...	50,000	46,50,000	47,00,000	
Capital (including Loans)	...	—	—	—	
Total	... ... ...	50,000	46,50,000	47,00,000	

1	2	3	4	5
		Rs.	Rs.	Rs.
3.	Council of Ministers			
Revenue	... ... ...	47,00,000	—	47,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	47,00,000	—	47,00,000
4.	Administration of Justice			
Revenue	... ... ...	1,68,00,000	—	1,68,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	1,68,00,000	—	1,68,00,000
5.	Elections			
Revenue	... ... ...	8,00,000	—	8,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	8,00,000	—	8,00,000
6.	Land Revenue, Stamps and Registration			
Revenue	... ... ...	1,50,00,000	—	1,50,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	1,50,00,000	—	1,50,00,000
7.	State Excise, Sales Tax and Other Taxes and Duties			
Revenue	... ... ...	1,68,00,000	—	1,68,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	1,68,00,000	—	1,68,00,000
8.	Taxes on Vehicles			
Revenue	... ... ...	34,00,000	—	34,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	34,00,000	—	34,00,000
9.	Secretariat			
Revenue	... ... ...	3,74,00,000	—	3,74,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	3,74,00,000	—	3,74,00,000
—	Interest Payments (Appropriation)			
Revenue	... ... ...	—	72,26,00,000	72,26,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	—	72,26,00,000	72,26,00,000
—	Public Service Commission (Appropriation)			
Revenue	... ... ...	—	28,00,000	28,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	—	28,00,000	28,00,000
10.	District Administration			
Revenue	... ... ...	2,70,00,000	—	2,70,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	2,70,00,000	—	2,70,00,000
11.	Treasury and Accounts Administration			
Revenue	... ... ...	1,75,00,000	—	1,75,00,000
Capital (including Loans)	...	—	—	—
Total	... ... ...	1,75,00,000	—	1,75,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
12.	Police			
Revenue	... ... ...	12,25,00,000	—	12,25,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	12,25,00,000	—	12,25,00,000
13.	Jails			
Revenue	... ... ...	62,00,000	—	62,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	62,00,000	—	62,00,000
14.	Supplies and Disposals			
Revenue	... ... ...	1,00,000	—	1,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	1,00,000	—	1,00,000
15.	Stationery and Printing			
Revenue	... ... ...	1,43,00,000	—	1,43,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	1,43,00,000	—	1,43,00,000
16.	Public Works			
Revenue	... ... ...	11,26,00,000	—	11,26,00,000
Capital (including Loans)	... ...	9,75,00,000	—	9,75,00,000
Total	... ...	21,01,00,000	—	21,01,00,000
17.	Other Administrative Services			
Revenue	... ... ...	2,07,00,000	—	2,07,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	2,07,00,000	—	2,07,00,000
18.	Pension			
Revenue	... ... ...	12,00,00,000	—	12,00,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	12,00,00,000	—	12,00,00,000
19.	Miscellaneous General Services			
Revenue	... ... ...	11,00,00,000	—	11,00,00,000
Capital (including Loans)	... ...	—	—	—
Total	... ...	11,00,00,000	—	11,00,00,000
20.	General Education			
Revenue	... ... ...	79,05,84,000	—	79,05,84,000
Capital (including Loans)	... ...	2,70,15,000	—	2,70,15,000
Total	... ...	81,75,99,000	—	81,75,99,000
21.	Technical Education			
Revenue	... ... ...	3,97,00,000	—	3,97,00,000
Capital (including Loans)	... ...	4,42,19,000	—	4,42,19,000
Total	... ...	8,39,19,000	—	8,39,19,000
22.	Sports and Youth Services			
Revenue	... ... ...	2,54,60,000	—	2,54,60,000
Capital (including Loans)	... ...	45,00,000	—	45,00,000
Total	... ...	2,54,60,000	—	2,54,60,000

1	2	3	4	5
		Rs.	Rs.	Rs.
23.	Art and Culture			
	Revenue ... ... ...	2,19,10,000	—	2,19,10,000
	Capital (including Loans) ...	1,45,40,000	—	1,45,40,000
	Total ... ... ...	3,64,50,000	—	3,64,50,000
24.	Medical and Public Health			
	Revenue ... ... ...	31,75,60,000	—	31,75,60,000
	Capital (including Loans) ...	7,99,45,000	10,00,000	8,09,45,000
	Total ... ... ...	39,75,05,000	10,00,000	39,85,05,000
25.	Family Welfare			
	Revenue ... ... ...	1,15,00,000	—	1,15,00,000
	Capital (including Loans) ...	—	—	—
	Total ... ... ...	1,15,00,000	—	1,15,00,000
26.	Water Supply and Sanitation			
	Revenue ... ... ...	21,50,00,000	—	21,50,00,000
	Capital (including Loans) ...	14,98,00,000	—	14,98,00,000
	Total ... ... ...	36,48,00,000	—	36,48,00,000
27.	Housing			
	Revenue ... ... ...	95,00,000	—	95,00,000
	Capital (including Loans) ...	1,61,00,000	—	1,61,00,000
	Total ... ... ...	2,56,00,000	—	2,56,00,000
28.	Urban Development			
	Revenue ... ... ...	4,00,10,000	—	4,00,10,000
	Capital (including Loans) ...	20,00,000	—	20,00,000
	Total ... ... ...	4,20,10,000	—	4,20,10,000
29.	Information and Publicity			
	Revenue ... ... ...	84,00,000	—	84,00,000
	Capital (including Loans) ...	—	—	—
	Total ... ... ...	84,00,000	—	84,00,000
30.	Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes			
	Revenue ... ... ...	46,12,000	—	46,12,000
	Capital (including Loans) ...	19,00,000	—	19,00,000
	Total ... ... ...	65,12,000	—	65,12,000
31.	Labour and Employment			
	Revenue ... ... ...	4,05,50,000	—	4,05,50,000
	Capital (including Loans) ...	22,00,000	—	22,00,000
	Total ... ... ...	4,27,50,000	—	4,27,50,000
32.	Social Security and Nutrition			
	Revenue ... ... ...	6,94,32,000	—	6,94,32,000
	Capital (including Loans) ...	34,00,000	—	34,00,000
	Total ... ... ...	7,28,32,000	—	7,28,32,000
33.	Relief on Account of Natural Calamities			
	Revenue ... ... ...	1,06,00,000	—	1,06,00,000
	Capital (including Loans) ...	10,000	—	10,000
	Total ... ... ...	1,06,10,000	—	1,06,10,000

1	2	3	4	5
		Rs.	Rs.	Rs.
34. Agriculture				
Revenue	... ... ...	7,79,32,000	—	7,79,32,000
Capital (including Loans)	... ...	4,41,00,000	—	4,41,00,000
Total	... ...	12,20,32,000	—	12,20,32,000
35. Animal Husbandry including Dairy				
Revenue	... ... ...	4,20,21,000	—	4,20,21,000
Capital (including Loans)	... ...	22,00,000	—	22,00,000
Total	... ...	4,42,21,000	—	4,42,21,000
36. Fisheries				
Revenue	... ... ...	2,23,06,000	—	2,23,06,000
Capital (including Loans)	... ...	1,00,10,000	—	1,00,10,000
Total	... ...	3,23,16,000	—	3,23,16,000
37. Forestry and Wild Life				
Revenue	... ... ...	3,75,35,000	—	3,75,35,000
Capital (including Loans)	... ...	53,80,000	—	53,80,000
Total	... ...	4,29,15,000	—	4,29,15,000
38. Food and Civil Supplies				
Revenue	... ... ...	64,00,000	—	64,00,000
Capital (including Loans)	... ...	38,20,00,000	—	38,20,00,000
Total	... ...	38,84,00,000	—	38,84,00,000
39. Cooperation and Marketing				
Revenue	... ... ...	1,25,50,000	—	1,25,50,000
Capital (including Loans)	... ...	78,50,000	—	78,50,000
Total	... ...	2,04,00,000	—	2,04,00,000
40. Community Development and Panchayats				
Revenue	... ... ...	11,61,78,000	—	11,61,78,000
Capital (including Loans)	... ...	69,72,000	—	69,72,000
Total	... ...	12,31,50,000	—	12,31,50,000
41. Special Area Programme				
Revenue	... ... ...	97,00,000	—	97,00,000
Capital (including Loans)	... ...	63,90,000	—	63,90,000
Total	... ...	1,60,90,000	—	1,60,90,000
42. Irrigation and Flood Control				
Revenue	... ... ...	5,81,00,000	—	5,81,00,000
Capital (including Loans)	... ...	25,30,00,000	45,00,000	25,75,00,000
Total	... ...	31,11,00,000	45,00,000	31,56,00,000
43. Energy				
Revenue	... ... ...	89,49,00,000	—	89,49,00,000
Capital (including Loans)	... ...	11,22,00,000	—	11,22,00,000
Total	... ...	1,00,71,00,000	—	1,00,71,00,000
44. Industries and Minerals				
Revenue	... ... ...	4,99,42,000	—	4,99,42,000
Capital (including Loans)	... ...	3,71,15,000	—	3,71,15,000
Total	... ...	8,70,57,000	—	8,70,57,000

1	2	3	4	5
		Rs.	Rs.	Rs.
<b>45. Ports and Lighthouses</b>				
Revenue	.. .. .. .. ..	77,00,000	—	77,00,000
Capital (including Loans)	.. ..	10,00,000	—	10,00,000
Total	.. .. .. .. ..	87,00,000	—	87,00,000
<b>46. Roads and Bridges</b>				
Revenue	.. .. .. .. ..	13,00,00,000	—	13,00,00,000
Capital (including Loans)	.. ..	13,80,00,000	—	13,80,00,000
Total	.. .. .. .. ..	26,80,00,000	—	26,80,00,000
<b>47. Road Transport</b>				
Revenue	.. .. .. .. ..	64,00,000	—	64,00,000
Capital (including Loans)	.. ..	6,79,00,000	—	6,79,00,000
Total	.. .. .. .. ..	7,43,00,000	—	7,43,00,000
<b>48. Inland Water Transport Services</b>				
Revenue	.. .. .. .. ..	3,48,55,000	—	3,48,55,000
Capital (including Loans)	.. ..	2,14,45,000	—	2,14,45,000
Total	.. .. .. .. ..	5,63,00,000	—	5,63,00,000
<b>49. Tourism</b>				
Revenue	.. .. .. .. ..	1,24,00,000	—	1,24,00,000
Capital (including Loans)	.. ..	2,28,80,000	2,00,000	2,30,80,000
Total	.. .. .. .. ..	3,52,80,000	2,00,000	3,54,80,000
<b>50. Census, Surveys and Statistics</b>				
Revenue	.. .. .. .. ..	1,01,00,000	—	1,01,00,000
Capital (including Loans)	.. ..	—	—	—
Total	.. .. .. .. ..	1,01,00,000	—	1,01,00,000
<b>51. Other General Economic Services</b>				
Revenue	.. .. .. .. ..	21,00,000	—	21,00,000
Capital (including Loans)	.. ..	—	—	—
Total	.. .. .. .. ..	21,00,000	—	21,00,000
<b>— Public Debt (Appropriation)</b>				
Revenue	.. .. .. .. ..	—	—	—
Capital (including Loans)	.. ..	—	28,76,65,000	28,76,65,000
Total	.. .. .. .. ..	—	28,76,65,000	28,76,65,000
<b>52. Loans and Advances to State Government Servants, etc.</b>				
Revenue	.. .. .. .. ..	—	—	—
Capital (including Loans)	.. ..	3,84,00,000	—	3,84,00,000
Total	.. .. .. .. ..	3,84,00,000	—	3,84,00,000
<b>53. Appropriation to the Contingency Fund</b>				
Revenue	.. .. .. .. ..	—	—	—
Capital (including Loans)	.. ..	—	—	—
Total	.. .. .. .. ..	—	—	—
<b>GRAND TOTAL</b>				
Revenue	.. .. .. .. ..	5,38,74,28,000	1,02,37,45,000	6,41,11,73,000
Capital (including Loans)	.. ..	3,78,74,57,000	73,03,80,000	4,51,78,37,000
		1,59,99,71,000	29,33,65,000	1,89,33,36,000

**Financial Memorandum**

Provision is made in the Bill to appropriate for the services and purposes expressed in the Schedule during the financial year 1993-94 a sum of Rs. 6,41,11,73,000. This amount consists of Rs. 4,51,78,37,000 on Revenue Account and Rs. 1,89,33,36,000 on Capital Account including Public Debt and Loans and Advances.

**Statement of Objects and Reasons**

The Budget for the year 1993-94 was presented to the Legislative Assembly on 29th March, 1993. The Demands for Grants have since been discussed and voted by the Assembly. This Appropriation Bill is, therefore, introduced in accordance with the provisions of article 204 of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 1993-94.

The Governor, has in pursuance of clauses (1) and (3) of article 207 of the Constitution, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

Panaji,  
July, 1993.

Dr. WILFRED D'SOUZA  
Chief Minister